

PUBLIC INTEREST — LEGAL FOUNDATION —

VIA EMAIL

December 20, 2017

Mr. Jonathan M. Marks
Commissioner, Bureau of Commissions, Elections and Legislation
Pennsylvania Department of State
210 North Office Building, 401 North Street
Harrisburg, PA 17120
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Fax: (717) 705-0721

RE: NVRA violation notice

Dear Commissioner Marks:

We have received your letter dated December 20, 2017, denying inspection of list maintenance records pursuant to the National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.*

This letter serves as statutory notice to the Pennsylvania Department of State (the “Department”), required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of 52 U.S.C. § 20507(i) for failure to grant inspection of “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,” and/or reproduction of responsive records “at a reasonable cost.” 52 U.S.C. § 20507(i)(1).

The Department is hereby notified that it now faces federal litigation should it continue to deny access to the requested records.

It is our hope that the Department will work quickly to provide for the inspection all of the records previously requested. If not, according to federal law, a lawsuit under the NVRA may be filed within 20 days after the failure to permit inspection or failure to provide documents “within 120 days before the date of an election for Federal office.” 52 U.S.C. § 20510(b)(2). For any lawsuits initiated by a private party, an award of attorney’s fees, expenses, and costs incurred are available under 52 U.S.C. § 20510(c).

Thank you for your time and attention to this matter. Please feel free to utilize the contact information below to arrange a data transfer or inspection.

Sincerely,

Noel Johnson
Litigation Counsel
Public Interest Legal Foundation
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